

AFTER FINAL APPLICANT RESPONSE : Claim Objections

- **Claim 2, 13, and 17 objected to under 37 CFR 1.75(c).**

“WAKEFIELD” has made claim (2) independent, and has cancelled claim (13), and claim (17). “WAKEFIELD” has made claim (2) an independent Multifunctional Hot Spot Method claim. “WAKEFIELD” believes that he has now fully complied with the limitations provided under 37 CFR 1.75(c).

- **Claim 18's Informality Objection.**

“WAKEFIELD” relies on his response below, presented on March 20, 2006 regarding the informality on line 2 of claim (18) as it pertains to the usage of the term “overwriting” within the claim as opposed to the term “overriding” discussed in the specification. “WAKEFIELD” has amended claim (18) to read “overriding.”

- **Claim Rejections – 35 USC § 112.**

“WAKEFIELD” has amended independent claim (1) and independent claim (20) deleting the subject matter that The Examiner believes was not described in the specification.

The Examiner states:

“Independent claim 8 recites,

A storage, retrieval, and modification-area apparatus... A set of processed or readable instructions... for separating digital video and digital audio files in and from digital media and means defined to facilitate the separation of digital video and digital audio... These limitations are not in the specification as originally filed.”

- (“WAKEFIELD” assumes that the entire claim is in question.)

The Pro Se Applicant “WAKEFIELD” believes that there is sufficient evidence that supports the limitation as quoted and discussed within claim (8), which is contained explicitly within the specification of this patent application, thus validating the limitation which is the basis for claim (8).

Said Examples of Such Proof are as Followed:

1.)

-page 1 lines 24 – 28**“1. Field of the Invention**

This invention relates generally to multifunctional website hot spots, i.e. hyperlinks, and more particularly, to a program or software based tool for creating, using, modifying and/or modifying multifunctional hot spots in web applications that run over a globally accessible network and a function expanding menu bar.”

2.)

-page 2 lines 6 – 9

“As the applications employed on the Internet fail to adequately address the foregoing issues, the instant invention gives the end user the ability to effectively and efficiently control and change the response of multifunctional hot spots and hyperlinks on a website.”

3.)

-pages 2 – 3 lines 28 – 31 & 1 – 4 respectively

“The foregoing prior art fails to disclose hyperlink and hot spot technology that is flexible, adaptable for use in digital media files, such as audio and video, platform independent, multi-tasked, and changeable and adaptable in functionality. The prior art also fails to disclose a menu bar that communicates with hot spots for creating, using and modifying website hot spots. Hyperlink and hot spot technology having these specifications would be well received. Consequently, there exist a need for programmable hyperlinks, multifunctional hot spots and a corresponding interactive menu bar.”

4.)

-page 3 lines 7 – 9

"The instant invention comprises an apparatus, system and method for creating multifunctional hotspots preferably for use in conjunction with digital media files, such as prerecorded and live-streamed audio and/or video, or other website content."

5.)

-page 4 lines 2 – 6 & 7, & 8 respectively

"The function expandable menu bar comprises a plurality of different modes/functions including a shop mode ('clickvideoshop™' a trademark of applicants[']), a digital call mode ('cooldigicall™' a trademark of applicant), a digital storage and retrieval mode ('digitallocker™' a trademark of applicant)..."

"...A multifunctional hot spot can support one or more modes at any time."

6.)

-page 4 lines 12 – 16

"The digitallocker mode provides a storage area for saving and playing digital media files selected therefrom. The bid mode facilitates audio and/or video communication between multiple users/clients in a multicast communication interface for conducting an auction and/or receiving bids for obtaining products or product information."

7.)

-page 4 lines 19 – 22

"Clicking an option in the menu bar determines the action to be taken when a user clicks on a multifunctional hot spot. Hot spots support at least one of the modes provided by the function expandable menu bar and can support all modes if desired."

8.)

-page 4 lines 29 – 31 and page 5 line 1

"The function of hot spots may vary during the running of a digital media file based on time stamps or other parameters. The action of the hot spots could be determined by a length of time into a video, or beginning and ending time stamps within the video or software correlating to the video."

9.)

-page 5 lines 12 – 18

"In accordance with the foregoing, it is an object of the instant invention to provide a software based apparatus, system and/or method for multifunctional hotspots that may be created or modified in accordance with predetermined parameters or user inputs. It is also an object of the instant invention to provide an apparatus, system and method for creating and/or modifying multifunctional hotspots with a plurality of applications that may be activated or rendered idle based on predetermined parameters or user inputs."

10.)

-page 6 lines 7 – 14 & 27 – 31 respectively

"The instant invention 10 comprises an interactive software based system and device having processor readable code 100 and/or 200, as shown in Figs. 1A-1C and 2A-2C, respectively, stored on a tangible medium that can add, use, change, adapt and process hot spots, such as hyperlinks and other known actions, in video files, audio files, digital files and/or designated areas of a website or webpage, so as to provide multifunctional hot spots. The instant invention 10 adds multifunctional hot spots to video and/or audio files or other types of digital files and provides a means for using and modifying the functions of the hot spots."

"The invention 10 embeds, links or makes available multifunctional hot spots that change modes automatically based on predetermined parameters or user interaction with the menu bar 93 in the video file, audio file or other type of digital file or location with the corresponding website or webpage."

11.)

-page 7 lines 7 – 17

The **digitallocker™** mode comprises a device and means for storing and retrieving audio media, video media or other designated data or files. The **digitallocker mode™** [] may further facilitate the separation of audio and visual tracks as well as the storage of individual tracks independently. The bid mode facilitates audio and video communication between multiple **clickvideoshop™** software users by

initiating a **clickvideobay™** (a trademark of [applicant]) and **clickvideohub™** (a trademark of applicant). The bid mode may provide a multi-cast communication interface by providing a shared white board, chat rooms, instant messaging, auctions for exchanging product and production information that is disseminated via video or text, e-mail notification of selected highlights and a view of the user's **digitallocker™**, with the ability to add audio and video from the multi-cast session."

"The user is able to communicate and/or interact with network designated queues by clicking on hot spots in a live audio and/or video streamed file being broadcasted over the internet. In the interactive mode, the user can also interact or communicate by using multi-task communication windows and the teleconference functions of the software, such as that provided by the digital call mode."

12.)

-page 9 lines 14 - 28

"With reference to Fig. 1B, the software 100 determines whether the user has selected the bid mode (112). If yes, then the software 100 initiates a ClickVideoBay™ in a ClickVideoHub™, which is a multicast communication interface to facilitate A/V communication between multiple clients (113). The multicast communication interface comprises a white board shared between software clients, a section for text input and output to provide chat rooms between software clients, a section to facilitate instant messaging, a section to facilitate auctions among software clients, with product listing information presented via video or text, e-mail notifications of selected meeting highlights, a section displaying the contents of a user's digital locker and the ability to add audio and video media from the multicast meeting (113). Thereafter, the software 100 executes the desired user action, including updating the contents of each user's white board to keep them in sync with all other users, updating the chat room section of the window with statements and replies for all users, processing bid submissions and approvals by users, displaying e-mail alerts containing information, and sending and displaying instant messages (114)."

13.)

-page 10 lines 1 – 8

"The software 100 also determines whether the user has selected and activated the digital locker™ mode (116). If yes, then the software 100 initiates and displays a window containing the contents of the user's digital locker™ (117). The digital locker™ is a storage area hosted on a remote system or database that allows the user to save, retrieve and play back all digital forms of audio and video media. It also facilitates the separation of audio and visual tracks in the storage of each track independently. Throughout the digital locker™ mode, the software 100 monitors whether the user has switched modes (118)."

14.)

-page 11 lines 3 – 8

"If the user has selected the cool interact™ mode then the software 100 plays a live audio/video stream that contains hot spots and a multicast communication window

is open and the user is able to control certain software functions via voice recognition (138). The software 100 makes all modes available simultaneously for selection and continues to monitor user activity for determining what actions to take when a hot spot is activated, as shown in Figs. 1A – 1C.”

- **Rejection Based on Claims Being Indefinite.**

“WAKEFIELD” has amended claims (1), (8), and (20) and has deleted the phrase “such as,” which rendered the claim(s) indefinite. “WAKEFIELD” has amended claims (11) and (12) and has deleted the quotes around the word linked (i.e. “linked”).

“WAKEFIELD” has amended claim (8), by deleting the phrase “said hotspot” in line 4 and has replaced it with the phrase “a Multifunctional Hot Spot,” which gives the claim sufficient antecedent basis.

- **Claim Rejections – 35 USC § 102.**

“WAKEFIELD” has amended claim (20), which is claim (18) in the original version/listing of the claims to overcome the rejection under 35 U.S.C. 102(b) as being anticipated by Vanechanos, JR. (US 5884309).

See. Claim Amendments Below.

“WAKEFIELD” has amended claim (8) and has made it dependent on claim (1) so as to traverse the rejection under 35 U.S.C. 102(b) as being anticipated by Rothmuller (US 6075526).

Note:

Since the arguments from the March 20, 2006 submission was considered but were mooted in view of the new ground(s) of rejection, “WAKEFIELD” humbly re-submits the March 20, 2006 argument in this After Final Amendment.

- **MARCH 20, 2006 ARGUMENT(S) RE-STATE.**

<u>APPLICANT RESPONSE : Claim Objections</u>

“WAKEFIELD,” States As A Simple Explanation To Said Objection: As Claim 18 is a dependent claim the term “overwriting” as used in Claim 18 is appropriate because it relates directly to giving the user the ability to overwrite the one said parameter as it relates to Claim 16, 17, and 18. The specification discusses

“overriding” as it relates to terminating a particular function of the software, which is a set of parameters. It should be understood that modes can be programmed to respond in automatic sequence and that the user can be in more than one mode at a time. Thus, the opportunity to alter sequence functionality is given to the user (i.e. a mode can be changed and replaced, or terminated in a user selected sequence of modes, or the entire sequence of modes---a function; can be terminated.)

For example, the specification states “Time stamps may be placed in the video or audio file or a corresponding routine for monitoring and communicating with the video and hot spot function for activating and deactivating functions based on the progress of the video or audio file in relation to the time stamps. User inputs in the menu bar 93 may override predetermined functions and/or time stamps.” (*emphasis added*)

APPLICANT RESPONSE : Affidavit Section

The Examiner states that “after careful review of the Affidavit, [that he] cannot locate any support for the following limitations:

[Reference 1:]

‘An apparatus wherein said at least one predetermined parameter comprises the reaching of a predetermined segment of a digital media file.’

[Reference 2:]

‘An apparatus comprising a means for overwriting said parameters when a user selects at least one of said plurality of predetermined functions.’ “

- APPLICANT RESPONSE

Applicant “WAKEFIELD” provides direct excerpts from his 7 January 2005, AFFIDAVIT and EVIDENCE, which supports and proves plausibility of Reference 1 and Reference 2 itemized above.

EXCERPTS PROVING-----Reference 1.

- Page 5

“ 2. The schematics involved animation schemes (the pictures moved) depending on the process state.”

- Page 12

"Behavior of Display Objects---The color, blinking, and intensity of objects in the display can be controlled, based on the value of the process variable. This allows abnormal conditions in the process to be represented by a corresponding change in a graphic display. For example, a blinking red pump might represent an alarm on that piece of equipment."

- Pages 17 and 18

"Maximizing system network control by depicting motion and color change of critical plant equipment, (i.e. animated objects based on field data, such as the animation of rotors in tanks, or seats in reactors changing position; this is

and was different from the usual "blink" graphic representation, which only exemplified 1 or 0 data in a visual format) SEE Tab11(APP9 & REC1 pg. 6 : 2 of 26"Box Summary"); SEE TDC3000x Tab(APP5 & REC1 pg. 2: para. 2 and pg. 5: column 2 para. 2) processes (i.e. tanks filling) and equipment parts changing position, through programming The TDC 3000 to depict these more ergonomic and hazard prevention visual effects for operators by processing raw field data & then displaying it through an interactive touch-screen graphical schematic, improved operator efficiency in critical production periods (operators usually work 12 hour shifts).

ALSO

See. APP2 & REC4 page 1, item 2, ¶ 2 See. APP16 & REC4 page 3, page 6,

EXCERPTS PROVING-----Reference 2.

- Page 8

" Control Language programs allow the process engineer to define custom-control action in an Application Module (CL/AM), to define sequence programs for a Process Manager (CL/PM), Advanced Process Manager (CL/APM), High Performance Process Manager (CL/HPM), and Multifunction Controller (CL/MC), and to define custom data segments for the Application and Computing Modules."

- Page 10

---Since Display can have and be a hotspot or target

"Universal Station Specification and Technical Data...

Perhaps the most powerful of all operating displays are the Custom Graphic Displays [], which are designed by the user and, therefore, can be based on

concepts and practices that are unique to the user's plant. They can contain graphic, textual, behavioral, and trend information and represent a whole area, a unit, or single point. Graphics can be linked to many of the standard process displays and can themselves have targets that allow cursor selection of other graphics or standard displays. They can be used to make changes in process parameters, they can be used for control, and alarms can be

displayed in a variety of ways.... the total number of Graphic Displays that are available to the operator can be virtually unlimited.”

- Page 10 and 11

“Graphic displays can be built so that the operator can monitor and manipulate the process directly from them. Both continuous and discontinuous processes can be managed from graphic displays. Basically, any data point parameter or sequence can be monitored and manipulated from any graphic display. Graphic behaviors such as blinking, color changes, bar graphs, appearance of subpictures, and numeric values can be controlled by parameters of data points. Additionally, process alarms can be acknowledged from graphic displays. The ability to bring another live display into a designated area within an existing graphic display is another convenient feature available for use on graphic displays...”

“TDC 3000x System Displays

The system displays show the assignments and status of the modules on the LCN and the process-connected devices on the UCNs and Data Hiways and provide the means to define and change assignments or change the status. The System Status Display [] is called up by pressing the SYST STATS key.”

- Page 13

“Interactive Displays--The touch-target capability of the Universal Station allows the process engineer to create pushbutton keys by drawing them as touch targets on a display. These serve as function keys that call up related displays and allow changes to process variables...”

EXCERPTS PROVING-----Reference 1 and Reference 2.

- Pages 14 – 16

“3. The proof of concept was written in the Java programming language. The

proof of concept conveyed the experience of illuminated “hot spots” by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval, as shown below:

```
public class HotSpot extends TimerTask
{
    Movie movie;
    boolean isActive = false;
    boolean isVisible = false;

    Rectangle rect;
    int start = 0, duration = 0;
    java.util.Timer startTimer = new java.util.Timer();
    java.util.Timer endTimer = new java.util.Timer();
    TwoDSprite hotSpot;
    Compositor compositor;

    HotSpot( Movie m, Rectangle r, int s, int d, Compositor c ) throws Exception
    {
        super();
        movie = m;
        rect = r;
        start = s;
        duration = d;
        compositor = c;

        File img = QTFactory.findAbsolutePath ("box.tif");

        GraphicsImporterDrawer gid = new GraphicsImporterDrawer (new QTFile(img));

        QDRect rect = new QDRect (
            gid.getDescription().getWidth(),
            gid.getDescription().getHeight());

        ImageSpec imageSpec = ImageUtil.makeTransparent (
            gid,
            QDCOLOR.blue,
            new QDGraphics (QDGraphics.kDefaultPixelFormat, rect));

        Matrix matrix3 = new Matrix();
        matrix3.setTx(r.x);
        matrix3.setTy(r.y);

        hotSpot = new TwoDSprite(
            imageSpec,
            matrix3,
```

```
        true,  
        8,  
        new GraphicsMode (QDConstants.blend, QDColor.cyan));  
    }  
  
public void activate()  
{  
    startTimer.schedule( (TimerTask)this, start, 10 );  
}  
  
public void run()  
{  
    try  
    {  
        TimeRecord      tr;  
        float          currentTime = 0;  
  
        isActive = true;  
  
        if ( !isVisible )  
        {  
            setVisible( true );  
        }  
        tr = movie.getTRTime();  
  
        currentTime = ((float)movie.getTime() / (float)tr.getScale()) * 1000;  
  
        if ((float)currentTime >= start + duration )  
        {  
            isActive = false;  
            setVisible( false );  
  
            startTimer.cancel();  
        }  
    }  
    catch (Exception e)  
    {  
    }  
}  
public void setVisible( boolean setVisible ) throws Exception  
{  
    if ( setVisible )  
        compositor.addMember(hotSpot,1);  
}
```